IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3967 OF 2003

Ganesh S. Rasal and another).. Petitioners

Versus

Vilas B. Mane and others).. Respondents

Mr.Dilip Bodake for the Petitioners.

Mr.P.I.Pol for Respondent Nos.1 and 4.
No.9306 of 2004.

Mr.S.R.Nargolkar, Assistant Government Pleader, for Respondent Nos.2, 3 and 5.

CORAM: V.G. PALSHIKAR AND SMT.NISHITA MHATRE, JJ.

DATED: 23RD FEBRUARY 2005

P.C. :

. By this Petition, the Petitioners have made the following prayers :-

(a) Writ certiorari and writ mandamus may kindly be ordered to be issued against the Res.No.2 to 4 to conclude the entire enquiry proceedings against the Res.No.1 within shortest span of period of Max.03 months from today.

(b) The Res.No.1 may kindly be ordered to be instantly and immediately removed and sacked from the post of the President of the Mhaswad Municipal Council and in place of him, the another candidate who has got second Nos. of highest votes in the Election of the President of Mhaswad Municipal council viz. S.R.Mane be declared/placed as the President of the Mhaswad Municipal Council.

(c) The Res.No.2 to 4 be directed to initiate appropriate criminal proceeding against the Res.No.1 for criminally defrauding

the State Exchequer under the said Scheme "Golden Jubilee Urban Employment Scheme".

(d) The amount found to have been grabbed or defrauded under the said Scheme be recovered from the personal pockets of the Res.No.1.

(e) During pendency and final disposal of this W.P., the Res.No.1 be directed to be restrained from continuing with the post of the President of the Mhaswad Municipal Council and till the process of grant of relief mentioned in clause (b) above is completed, Administrator for Mhaswad Municipal Council be saddled additional charge of post held by the Res.No.1 of President of Mhaswad Municipal Council.

(f) Ad-interim relief in terms of prayer clause (e) above may kindly be granted.

(g) Costs of this petition be awarded to the petitioners from the Respondents.

(h) Other just and equitable orders even if not specifically prayed for be passed.

2. Accordingly, the enquiry was directed to be conducted and by an order dated 24th February 2003 passed by the Minister of State for Urban Development, it was held that there is no misconduct and the show cause notice was therefore taken back.

3. In so far as prayer (b) is concerned, such prayer cannot be made in a writ jurisdiction, the only remedy being Election Petition to challenge the election of the President. Rest of the prayers are consequential prayers. Therefore, nothing survives in the Petition. The same is dismissed.

4. All contentions and remedies are kept open to the

Petitioners for being agitated before the appropriate forum.